

DELIBERATIVE PROCESS—DO NOT CITE OR SHARE
Bristol Bay Watershed Assessment
Comment Period Decision Communications Plan
DRAFT—FOR INTERNAL USE ONLY

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Contact:

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Contents

- Summary
- Desk Statement
- External Communications Call Schedule
- List of Requesters

Summary

EPA received a number of requests to extend the 60-day comment period associated with the Bristol Bay Watershed Assessment and a number of requests that the agency not extend the comment period. Having considered all the requests, EPA has made a decision not to extend the 60-day comment period.

EPA intends to announce its decision on Thursday July 5 with concurrent outreach to requesters and stakeholders explaining the decision.

Our response to the media will be to issue a statement and share a copy of the letter if asked.

Desk Statement

EPA has decided that it will maintain the previously established public comment schedule on the draft Bristol Bay watershed assessment after seriously considering requests both to extend the public comment period and to maintain the current comment deadline of July 23, 2012. A sixty-day comment period is consistent with the length of time the Agency has historically provided for complex scientific assessments of comparable scope and detail. In addition to undergoing public comment, the draft assessment will be evaluated by an independent peer review panel of highly qualified scientists who will meet in Anchorage in early August and hear comments from stakeholders. Despite the overlap of the comment period with the fishing season, the majority of tribes and commercial fishing interests supported maintaining the current schedule and indicated that it would not prevent their participation in the comment process. EPA has already conducted extensive outreach to the subsistence and commercial fishing community since the draft assessment was released for comment. In order to ensure that the thousands of comments received are available for consideration by the panel, and that the final assessment is released in a timely fashion, it is imperative that this process move forward on schedule.

Q&A

Why did EPA decide not to extend the comment period?

EPA provided a 60-day comment period for the review of this assessment, and that is consistent with review periods the agency has provided for similarly important scientific reports. This is a scientific assessment—not a regulatory action. Thus, there is no required public comment period.

In addition, a 60-day comment period is more time than is typically provided by the state and the U.S. Army Corps of Engineers for actual permits that would impact the environment.

If EPA were to initiate regulatory actions with regard to Bristol Bay, there would be a comprehensive public engagement process and comment period.

Some tribal corporations say EPA has not met with them nor given them sufficient time to comment. Is that true?

EPA made outreach to tribes, tribal corporations and Bristol Bay residents a priority from day one of the assessment. EPA officials and staff have made over 24 visits to 12 villages since initiating the assessment. Top EPA officials have met with tribes and tribal corporations. These officials include the EPA Administrator's deputy administrator, general counsel, associate administrator for water and EPA regional administrator.

EPA has met with representatives of 17 villages and nine tribal corporations. In some cases, EPA met numerous times with the same tribal corporations and representatives, and we continue to welcome meetings and discussion. Tribal corporations also attended and commented during our recent public meetings in Alaska and Seattle.

A 60-day comment period is consistent with EPA's previous experience for similarly important scientific reports and is in fact longer than the comment periods typically provided by the state and the U.S. Army Corps of Engineers for permits that would actually impact the environment.

There are complaints that the comment period is at an inconvenient time due to fishing season. How do you justify not extending it past the fishing season?

EPA heard from tribes and stakeholders who asked us to extend the comment period and other tribes and stakeholders who asked us to maintain the original 60-day comment period. Many requests to keep the 60-day comment period came from tribes and stakeholders who work in the Bristol Bay fishery.

We carefully weighed the input with regard to the fishing season and concluded that the original comment period gave sufficient time to comment given the fishing season.

EPA's public meetings in June were well-attended by over 2,000 people, including many who practice a subsistence way of life and many in the commercial fishing industry. To date, over 800 individual letters and approximately 14,500 form letters have been submitted to the public comment docket.

What happens next?

The comment period ends on July 23. At that time, EPA will consolidate the comments and give them to the scientific peer review panel for consideration. The panel will use these public comments as it considers the assessment. This panel will meet August 7-9 in Anchorage, and there will be an

opportunity for the public to directly address the panel and provide information that would expand scientific knowledge of Bristol Bay.

External Communications Calls Schedule

NOTE: ALL TIMES ARE IN PACIFIC DAYLIGHT TIME

DATE/TIME	CALLS OR ACTIONS	NATURE OF REQUEST	WHO	DONE?
July 5	PDFs of letters sent to all requesters. Outreach calls made concurrently.		?	
July 5 (evening)	Federal Register Notice will be available		Jeff Frithsen	
July 6	Federal Register Notice for registration to speak at peer review panel published		Jeff Frithsen	
?	Pebble Limited Partnership CEO John Shively NUMBER:	Extension	Dennis	
?	Alaska Attorney General Michael Geraghty NUMBER: 907-269-5100	Extension	Dennis, Bill	
?	Senator Lisa Murkowski NUMBER: Chief of Staff Edward Hild, DC: 202-224-6665	Extension	Arvin, Dennis, Bill	
?	Congressman Don Young NUMBER:	Extension	Arvin, Dennis, Bill	
?	Following tribes and tribal entities: <ul style="list-style-type: none"> • South Naknek Tribe • Newhalen Tribal Council • Iliamna Village Council NEED NAMES AND NUMBERS HERE	Extension	Dennis, Rick, Tami	
?	Lisa Reimers NUMBER:	Extension	?	
?	Trefon Angasan NUMBER:	Extension	?	
?	Senator Maria Cantwell NUMBER: Chief of Staff Katherine Lister, DC: 202-224-3441	No extension	Arvin, Dennis, Bill	
?	Following tribes and tribal entities:	No extension	Dennis, Rick, Tami	

	<ul style="list-style-type: none"> • Curyung Tribal Council • Ekwok Village Council • Levelock Village Council • Village of Levelock • Village of Ekwok • Nunamta Aulukestai 			
	NEED NAMES AND NUMBERS HERE			
?	Bristol Bay Native Corporation: Jason Metrokin NUMBER: 907-278-3602	No extension	Dennis	
?	Trout Unlimited: Wayne Nastri NUMBER: 949-463-2227	No extension	Dennis	
?	Bryce Edgmon, AK state legislator NUMBER: 907-465-4451, 907-269-0275	No extension	?	

List of Requesters

Requests received to extend public comment period:

- State of Alaska – Request to extend 120 days
- Senator Murkowski – Request to extend 120 days
- Representative Young - Request to extend 120 days
- South Naknek Tribe – Request to extend until October 2012
- Pebble Limited Partnership – Request to extend 120 days
- Alaska Peninsula Corporation – Request to extend at least 60 days
- National mining Association – Request to extend 120 days
- Pedro Bay Corporation – Request extension
- Newhalen Tribal Council – Request comment period begin October 2012
- Larry Hill – Request to extend 120 days
- Ilaimna Village Council – Request extension to October 2012
- Northwest Mining Association – Request to extend 120 days

Requests received not to extend public comment period:

- Senator Cantwell
- Dallas Safari Club
- Back Country Hunters and Anglers
- Bull Moose Sportsmen's Alliance
- Campfire Club of America
- Curyung Tribal Council Member
- Curyung Tribal Council
- Delta waterfowl Foundation
- American Sportfishing Association
- American Fly Fishing Trade Association

- William Maines, Curyung Tribal member
- Bryce Edgmon, Alaska State Legislator
- Bristol Bay Regional Seafood Development Association
- Alaska Independent Fishermen's Marketing Association
- Bristol Bay Native Corporation
- Ekwok Village Council
- Levelock Village Council
- Nunampta
- Trout Unlimited
- Delta Waterfowl (email to Rick Parkin)
- Village of Levelock
- Village of Ekwok